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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CRL.M.C. 4503/2024

KHEM CHAND & ORS. .....Petitioners

Through: Mr. Ravi and Mr. Manjeet Chauhan, Advocates.

versus

THE STATE NCT OF DELHI & ANR. .....Respondents

Through: Mr. Utkarsh, APP for the State.
SI Manju, P.S.: Inderpuri.
Ms. Sonia Chauhan, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

% **08.10.2024**

By way of the present petition filed under section 482 the Code of Criminal Procedure 1973, the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 381/2022 dated 22.09.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 at P.S.: Inder Puri, Delhi.

2. The petition is premised on Settlement Agreement dated 10.03.2023 arrived at through mediation before the Delhi Mediation Centre, Patiala House Court, New Delhi; and Divorce Decree dated 01.11.2023, which is the culmination of petitions under sections 13B(1) and 13B(2) of the Hindu Marriage Act 1955, whereby the parties had sought dissolution of their marriage by mutual consent.

3. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.

4. Petitioners Nos. 1, 2 and 3 as well as respondent No. 2 are present in court. Petitioner No. 4 is stated to be pre-occupied elsewhere. Their credentials have been verified and they have also been identified by their respective counsel.

5. The parties have confirmed that one child, *viz* Urmi, was born from the wedlock, who is minor as of date.

6. No appeal is stated to have been filed from the divorce decree.

7. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement agreement has been entered into between the parties; and that in full-and-final settlement of all her claims including towards maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 6,00,000/- from petitioner No. 1; out of which Rs. 4,00,000/- was paid earlier and Rs.2,00,000/- has been paid in court today, in compliance of the terms of the settlement agreement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.

8. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.

9. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab &Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all

subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.

10. Accordingly, case FIR No. 381/2022 dated 22.09.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 at P.S.: Inder Puri, Delhi is quashed. All proceedings arising therefrom also stand closed.

11. Though the settlement agreement records that the minor child of petitioner No. 1 and respondent No. 2 shall remain in the custody of respondent No. 2 and petitioner No.1 shall have no visitation rights, it is made clear that nothing in this settlement agreement would affect the right of the minor child to meet her father, if and when she so desires, subject to logistical convenience of the parties.

12. Needless to add that the settlement between the parties leading to the closure of all criminal proceedings by way of the present order will also not affect the property rights and other rights of the minor child, namely Urmi *vis-à-vis* his father, as may be available under law, in any manner whatsoever.

13. Petition stands disposed-of.

14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 8, 2024/ss